

# DEXTER TOWNSHIP

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## Zoning Board of Appeals Meeting Minutes May 11, 2004

Present: Steve Burch, Chairman, , Pat Kelly, Acting Secretary, William Gajewski, Mark Wojno, Alternate

Absent: David Millar, Secretary, James Cormier

The meeting was called to order at 7:37 p.m. by Chairman Burch

1)

**04-01-106-019**

**04-ZBA-575**

**Robert Reed**

**9957 Algonquin**

**tabled until the June 2004 meeting**

Applicant is requesting a boundary line adjustment, with his neighbor to the South. (Applicant,) Mr. Reed presently owns 18,035 square feet of property. (Mr. Reed received a variance in June of 1992 to demolish his house and to rebuild.) Mr. Reed would like to sell 1313 S.F. of property to Mr. Paas. This would allow Mr. Paas more room to demolish his existing home and to rebuild a new house (at a later date) with greater side yard set backs. Current setbacks are 2.3' with parcel number 04-01-106-017. The two houses are currently six feet apart.

2)

**04-11-100-013**

**03-ZBA-564B**

**James Roof**

**8611 Stinchfield Woods Road**

Applicant requests relief from:

Section 18.23.A to allow a 14' setback on the front yard, rather than the required 50';  
(currently 9' from existing barn to Stannette.)

Section 18.23.B to allow 40.5' from canal to the new sunroom.

To allow for the construction of a modular type home, with 24' x 28' garage and 28' x 16' sunroom.

Persons notified were read into the record and only the applicant was present.

Kelly made a motion, supported by Wojno to bring the variance request back to the table for discussion. Carried

Questions and answers were exchanged regarding the completion of the barn, rain garden, drainage and parking. It was determined that the 150' width of the lot did not need to be recognized. The following resolution was offered:

**Notice of Appeal – James Roof (File No. 04-ZBA-564B)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on the 11<sup>th</sup> day of May, 2004 at 7:30 p.m.

Present:

Burch, Wojno, Kelly, Gajewski

Absent:

Millar

The following preamble and resolution were offered by Member Gajewski and supported by Member Kelly

**Whereas**, on May 11, 2004, James Roof filed a Notice of Appeal requesting relief from section 18.23.A. to permit 14' on the front yard set back rather than the 50' required and section 18.23.B. 40.5' to the canal in order to construct a new dwelling with a 24' x 28' garage and 16' x 28' sunroom

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on May 11, 2004, was attended by the applicant and members of the public and application

materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, the applicant has demonstrated the ability to comply with the required findings as listed below.

4.05-C1

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
- c. That the special conditions or circumstances do not result from actions of the applicant.
- d. That the variance will relate only to property under control of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
- h. That the variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that zoning district.

**Be it therefore resolved** that the variances requested are approved with the following conditions:

1. Storm water Runoff
  - a. Existing pole barn shall have two (2) aggregate-filled infiltration trenches measuring 2' x 2' x 48' placed directly under the roof drip line.
  - b. The house shall have 2 linear rain gardens parallel to and along the edge of the canal. Each rain garden shall be 8' x 14'.
  - c. Finished grading shall provide a 6" berm at the rear (canal) side of the rain gardens.
2. Existing Pole Barn Completion
  - a. Windows and doors shall be added to all unfinished openings.
  - b. Grading shall be completed.
  - c. All items considered as blight under the Ordinance shall be removed.
3. A performance guarantee in an amount sufficient to cover the cost of completion of the existing pole barn, new rain gardens and finish grading shall be posted prior to the issuance of a zoning permit for the requested work..
4. There will be two (2) 2' x 10' parking spaces prior to issuance of a zoning permit. A revised plan showing the location of parking spaces shall be submitted to the Zoning Administrator prior to issuance of a zoning permit for the requested work.
5. (Per a friendly amendment by Wojno, supported by Kelly) – Gutters and down spouts shall be added to both sides of the existing pole barn, with performance guarantee

- The pole barn shall have two (2) infiltration trenches filled with aggregate placed under the eaves 2'x2'x48'.

**Be it also resolved** that the following existing non-conformities be recognized:

Existing barn 9' from the edge of Stannette.  
Parcel less than 2 acres.

Wojno – yea  
Burch – yea  
Kelly – yea  
Gajewski - yea  
**Carried**

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3)

**04-15-200-010**

**04-ZBA-576**

**Scott and Tina Fischer**

**6710 Dexter - Townhall**

Applicant requests relief from:

Section 18.23.A to allow a 82' setback on the front yard, rather than the required 100';  
(currently 54' from Dexter - Townhall to front porch.)

To allow for the construction of a 23' x 26' addition, as well as a 5' x 26' deck.

Persons notified were read into the record and present was the applicant.

Mr. Fischer explained his request to the Board.

Questions and answers were exchanged regarding driveway permits and eave troughs on the north side of garage.

The following resolution was offered:

**Notice of Appeal – Scott & Tina Fischer (File No. 04-ZBA-576)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on May 11, 2004 at 7:30 p.m.

Present: Kelly, Wojno, Gajewski, Burch

Absent: Millar

The following preamble and resolution were offered by Member Gajewski and supported by Member Kelly.

**Whereas**, on May 11, 2004, applicant Scott and Tina Fischer filed a Notice of Appeal requesting relief from section:

18.23.A. 82' front yard set back rather than 100". Also recognize 13.9' north side setback , from existing garage to side property line, 8' south side setback, from shed to

side property line, lot less than 2 acres, lot less than 150' width. To allow for the construction of a 23' x 26' addition, and a 5' x 26' deck.

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on May 11, 2004, was attended by the applicant and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, the applicant has demonstrated the ability to comply with all the required findings listed below per sections

4.05-C1

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
  - Current placement of the home on the lot and topography – (slope to the south)
- c. That the special conditions or circumstances do not result from actions of the applicant.
- d. That the variance will relate only to property under control of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.

- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
- h. That the variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that zoning district.

**Be it therefore resolved** that the variance requested is approved with the condition that gutters and downspouts be placed on the north side of garage.

Kelly – yea  
Wojno – yea  
Gajewski – yea  
Burch – yea

**4)**  
**04-13-300-015**  
**04-ZBA-577**  
**Lynn Bensinger**  
**6970 Dexter- Pinckney Road**

Applicant requests relief from:

Section 18.23.A to allow a 89' setback on the front yard, rather than the required 150'; (currently 89')

Section 19.03.A to allow an expansion to a property zoned C-1 but used as R/R.

To allow for the construction of a 12' x 28' storage shed, attached to side of existing barn. Shed has been given ZBA approval before. (Shed was started already with out a zoning permit.)

Persons notified were read into the record and only the applicant was present.

This application is the same that was approved on two previous occasions.

The practical difficulty is the placement of the current house on the lot.

**Notice of Appeal – Lynn Bensinger (File No. 04-ZBA-577)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on May 11, 2004 at 7:30 p.m.

Present: Kelly, Wojno, Gajewski, Burch

Absent: Millar

The following preamble and resolution were offered by Member Gajewski and supported by Member Kelly.

**Whereas**, on May 11, 2004, applicant Lynn & Jennifer Bensiner filed a Notice of Appeal

requesting relief from section:

18.23.A. to allow a 89' front yard set back rather than 150'. And 19.03 A. to allow an expansion to a property zoned C-1 but used as RR. For the purpose of constructing a 12' x 28' storage shed, attached to the side of existing barn.

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on May 11, 2004, was attended by the applicant and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, the applicant has demonstrated the ability to comply with all the required findings listed below per sections

4.05-C1

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
- c. That the special conditions or circumstances do not result from actions of the applicant.



- d. That the variance will relate only to property under control of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
- h. That the variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that zoning district.

**Whereas** this request has been approved twice by prior zoning boards of appeals and,

**Whereas** this rural residential use is an expansion to a less intense use than its current zoning and,

**Whereas** in the 1993 survey, our constituents asked us to preserve the rural character and natural features of our community and they did not want an expansion in commercial development.

**Be it therefore resolved** that this variance is approved as requested.

**Be it also resolved** that the following existing non-conformities be recognized.

- 52' west side set back from existing home to Dexter Pinckney Rd.

Gajewski - yea  
Wojno - yea  
Burch - yea  
Kelly - yea  
**Carried**

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5)  
**04-18-433-002/008**  
**04-ZBA-578**  
**David Logan**  
**13848 Bramble Brae**

Applicant requests relief from:  
Section 18.23.A to allow a 25.72' setback on the front yard, (from new garage to Overdoon) rather than the required 50'; (currently 61')  
To allow for the destruction of the existing home, and the construction of a new one-story home with walkout basement, two car attached garage, and covered entry walkway.

Persons notified were read into the record and along with the applicant the following neighbors were in attendance offering their support for the project:  
Bill and Maryann Robertson, John and Marilyn Cook , and Eric Batzdorfer.

Gajewski questioned the storm water run off storage calculation, complimented the plan submitted and also questioned how the dry wells will be constructed.

Scott Robertson who is on the Parklawn Beach Association Board stated that the Board has never discussed the use of the old Right of Ways like Overdoon. He stated that the Board supports this proposal.

Kelly suggested a Condition be added from Parklawn indicating approval of bitumenous over Right of Way.

The following resolution was offered:

**Notice of Appeal – David Logan (File No. 04-ZBA-578)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on May 11, 2004 at 7:30 p.m.

Present: Wojno, Burch, Gajewski, Kelly

Absent: Millar

The following preamble and resolution were offered by Member Gajewski and supported by Member Wojno

**Whereas**, on May 11, 2004, David Logan filed a Notice of Appeal requesting relief from section:

18.23.A. to allow a 20' front yard set back to Overdoon. In order to demolish and construct a one story new dwelling with a walkout basement, two car garage and a covered entry walkway.

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on May 11, 2004, was attended by the applicant and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, the applicant has demonstrated the ability to comply with all the required findings listed below per sections

4.05-C1

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. Topography and irregular shape.
- c. That special conditions or circumstances do not result from actions of the applicant.
- d. That the variance will relate only to property under control of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
- h. That the variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that zoning district.

**Be it therefore resolved** that the variance requested will be approved with conditions as stated below.

- The Storm water system to be built in accordance with the site plan drawings on page S-3.
- Total water storage for drywells shall be at least 355 cubic ft not including aggregate.
- Performance Guarantee to cover cost of the storm water plan and inspections by the Township Engineer.
- Letter from Parklawn indicating support for driveway over easement.

**Be it also resolved** that the following existing non-conformities be recognized.

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- Lot less than 1 acre,
- Lot less than 150' width

Wojno – yea  
Gajewski – yea  
Kelly – yea  
Burch – yea

**Carried**

6)

**04-01-108-025/026**

**04-ZBA-579**

**Laura Jones**

**8530 Orchard Road**

Applicant requests relief from:

Section 18.23.A to allow a 35'2" setback on the front yard, rather than the required 50';  
(currently 35'2" from the existing dwelling).

To allow for the construction of a second story addition, over the existing home.

Persons notified were read into the record and only the applicant was present.

Questions and answers were exchanged regarding the garage that used to be on the property, Gajewski made a statement regarding the capacity issues and original calculations for Residential equivalent units by the Sewer Authority.

**Notice of Appeal – Stephen & Laura Jones (File No. 04-ZBA-579)**

At a meeting of the Dexter Township Zoning Board of Appeals held at the Township Hall located at 6880 Dexter-Pinckney Road, Dexter Township, Washtenaw County, Michigan on May 11, 2004 at 7:30 p.m.

Present: Wojno, Burch, Gajewski, Kelly

Absent: Millar

The following preamble and resolution were offered by Member Gajewski and supported by Member Kelly

**Whereas**, on May 11, 2004, Stephen and Laura Jones filed a Notice of Appeal requesting relief from section:

18.23.A. to allow a 35'2" front yard set back rather than the required 50'. To allow for a second story addition over the existing dwelling.

**Whereas**, a public hearing before the Dexter Township zoning board of Appeals held on May 11, 2004, was attended by the applicant and members of the public and application materials were reviewed and public comments, both oral and written, were entered into the record and,

**Whereas**, the applicant has demonstrated the ability to comply with all the required findings listed below per sections

4.05-C1

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
- c. That the hardship or special conditions or circumstances do not result from actions of the applicant.
- d. That the variance will relate only to property under control of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
- h. That the variance shall not permit the establishment, within a district, of any use which is not a permitted principal use within that zoning district.

**Be it therefore resolved** that the variance requested will be approved with conditions as stated below.

➤ Installation of eave troughs and downspouts to be placed on approved plans.

**Be it also resolved** that the following existing non-conformities be recognized.

- 35' 10" south side setback, from existing home to Orchard Road.
- Lot less than 1 acre

Wojno – yea  
Gajewski – yea  
Kelly – yea  
Burch – yea

**Carried**

Motion by Kelly, support by Gajewski to approve the April 13, 2004 meeting minutes as corrected. Carried

Meeting adjourned at 10:16 p.m.

Respectfully submitted,

DeNette Bolyard,  
Recording Secretary

Pat Kelly,  
Acting Secretary